

REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 3-5, 15 and 23 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1 and 3-33 are pending.

35 U.S.C. §102 Rejections

35 U.S.C. §102(e) Rejection over *Whitmore*

The Office Action rejects claims 1, 3-6, 8, 12-13, 15-28 and 30 under 35 U.S.C. §102(e) as being anticipated by *Whitmore*. A claim is anticipated only if each and every claim element is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. See M.P.E.P. §2131. The Office Action alleges that *Whitmore* discloses, *inter alia*, selecting at a network node one of a plurality of interfaces, each interface for the network node to communicate with a network, the selecting by matching a user preferences to a monitored interface characteristic. For at least the following reasons, Applicants traverse the above rejection.

Applicants respectfully submit that each of the above rejected claims is not anticipated by *Whitmore*, based at least on the failure of the reference to teach (emphasis added):

“...monitoring at the network node a characteristic of an interface for communicating with the network;

selecting at the network node one of **a plurality of interfaces, each interface for the network node to communicate with the network**, the selecting by matching the user preferences to the monitored interface characteristic;...”

as variously recited in current independent claims 1, 15 and 23. Applicants note that the independent claims are amended to more particularly recite that the interfaces in the

plurality of interfaces are for the network node to communicate with **the same single network**. These claim amendments are supported in the original disclosure at least by the discussion starting on pg. 2, line 20 of the specification, which describes a user seeking to access a single network through various different interfaces.

In rejecting the above claims, the Office Action relies on *Whitmore*, para. [0192] as disclosing “selecting at a network node one of a plurality of interfaces, each interface for the network node to communicate with a network”. *Whitmore*, para. [0192] describes a Router Core 204 depicted in FIG. 31 responsible for making all routing decisions for a mobile Router 200 depicted in FIG. 30. A Decision process 206 operates in accordance with User Configured parameters 208, specifying to Router Core 204 when and through which Network data is to be transmitted.

However, FIG. 30 shows Router 200 as having **different** Networks 1, 2, 3 and n **each** connected, respectively, to **individual** network interfaces 214A, B, C and D. In other words, each of Networks 1, 2, 3 and n is shown as having **one** network interface. Nothing in *Whitmore* discloses any of Networks 1, 2, 3 and n having a **plurality** of interfaces. Furthermore, paragraph [0174] states in a salient portion (emphasis added):

“...The Switch 212 is actuated by the Router Core 204, and sends data to a fixed host application or device (e.g., RNC 20) **via the selected network**....When the Decision process 206 (in accordance with User Configuration 208 parameters) specifies that a Network (e.g., Network 3) **different than the Network currently in use** (e.g., Network 1) should be used, the Decision process 206 checks the Network Availability 210 for the particular Network to be switched to.”

Here, *Whitmore* requires that a network which is switched to by switch 212 be **different** from the currently used network. Therefore, switch 212 is **not** disclosed as switching, for example, from one interface of a network to **another** interface of the **same network**.

Although *Whitmore* does variously describe a selection of a physical serial port connected to a network interface, e.g. para. [0186], the selected port is described as “to be used **as the current Network**” (emphasis added). In other words, *Whitmore* identifies the current network with the selected port, and vice versa. The reference **fails** to disclose,

for example, a selection from among a group of ports all for communication with the same network. Even assuming *arguendo* that *Whitmore* discloses a selection of an **interface**, which Applicants do not agree, any interface thereby selected is the **sole** interface for the network which determines such a selection. Accordingly, *Whitmore* does **not** describe a network having a plurality of interfaces, one of which is selected for the network node to communicate with that network.

For at least the foregoing reasons, *Whitmore* **fails** to expressly or inherently disclose, in as complete detail as set forth in the currently amended claims, selecting an **interface** from a **plurality** of interfaces for a network node to communicate with that network, as variously recited in each of independent claims 1, 15 and 23. In depending directly or indirectly from one of these independent claims, each of dependent claims 3-6, 8, 12-13, 16-22, 24-28 and 30 incorporates at least one limitation not taught by *Whitmore*. Therefore, Applicants request that the above 35 U.S.C. §102(e) rejection of claims 1, 3-6, 8, 12-13, 15-28 and 30 based on *Whitmore* be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) Rejection over *Whitmore*

The Office Action rejects claims 7, 9-11, 14, 29 and 31-33 under §103(a) as being obvious in light of *Whitmore*. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by one or more prior art references. *See* M.P.E.P. § 2143.03. In rejecting the above claims, the Office Action relies at least in part on the previously-discussed 35 U.S.C. §102 rejection of independent claim 1, 15 and 23. The Office Action further alleges that the particular limitations of the above rejected claims are generally well known in the art. For at least the following reasons, Applicants traverse the above rejection.

As discussed previously, each of independent claims 1, 15 and 23 include at least one limitation which is not taught by *Whitmore*, e.g. selecting at a network node one of a plurality of interfaces, each interface for the network node to communicate with the same

single network, the selecting by matching the user preferences to a monitored interface characteristic. In rejecting the above claims, the Office Action **fails** to provide any new basis for *Whitmore* teaching or suggesting those limitations of independent claims 1, 15 and 23 which are not expressly or inherently taught by *Whitmore*. Applicants respectfully submit that *Whitmore* does not teach or suggest selecting at a network node one of a plurality of interfaces, each interface for the network node to communicate with the same single network, the selecting by matching the user preferences to a monitored interface characteristic.

Therefore, the *Whitmore* fails to either teach or suggest at least one limitation of the invention as variously recited in each of independent claims 1, 15 and 23. Accordingly, each of independent claims 1, 15 and 23 is non-obvious in light of *Whitmore*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom – e.g. claims 7, 9-11, 14, 29 and 31-33 – is also non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 7, 9-11, 14, 29 and 31-33 based on *Whitmore* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1 and 3-33 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: 9/13/2007

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